

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-356-MOC-WCM**

THIS MATTER comes before the Court on a Motion to Dismiss by J.P. Morgan Chase Bank, N.A. (Doc. No. 13).

I. BACKGROUND AND DISCUSSION

On December 13, 2018, Defendants removed this action from state court. (Doc. No. 1). Plaintiffs amended their Complaint on February 26, 2019. (Doc. No. 10). In this action, Plaintiffs have sued Defendants JP Morgan Chase, N.A., and Seterus, Inc., purporting to bring the following claims: (1) wrongful foreclosure, (2) slander of title, (3) violation of the North Carolina Unfair and Deceptive Trade Practices Act (the “UDTPA”), (4) violation of the North Carolina Debt Collection Act (the “NCDCA”), (5) unjust enrichment, (6) constructive trust or equitable lien, (7) conversion, (8) intentional infliction of emotional distress (“IIED”), and (9) punitive damages.

On March 12, 2019, Defendant JP Morgan Chase, N.A. filed the pending motion to dismiss. (Doc. No. 13). On April 15, 2019, Plaintiffs filed a response in opposition to the motion to dismiss. (Doc. No. 19). On April 22, 2019, Defendant JP Morgan Chase, N.A. filed a

Reply. (Doc. No. 20). Thus, this matter is ripe for disposition.

The Court will deny the motion to dismiss at this time and hold it under consideration pending further development of the record and summary judgment motions.

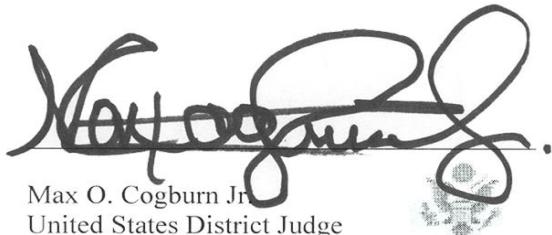
II. CONCLUSION

Defendant's motion to dismiss is denied, pending further development of the record, and the Court will issue a ruling after discovery and the parties' filing of summary judgment motions.

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion to Dismiss, (Doc. No. 13), is **DENIED**.

Signed: May 1, 2019



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". The signature is fluid and cursive, with a large, stylized "M" at the beginning.

Max O. Cogburn Jr.
United States District Judge